



U.S. DEPARTMENT of STATE

Spain

Country Reports on Human Rights Practices - [2004](#)

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Spain is a democracy with a constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. On March 14, Jose Luis Rodriguez Zapatero of the Socialist Party was elected Prime Minister, with the title President of the Government. Elections were free and fair. The judiciary is independent.

Internal security responsibilities are divided among the National Police, which are responsible for security in urban areas; the Civil Guard, which police rural areas and control borders and highways; and police forces under the authority of the autonomous communities of Catalonia and the Basque region. Civilian authorities maintained effective control of the security forces. A few members of the security forces committed isolated human rights abuses.

The market-based economy, with primary reliance on private enterprise, provided the population of over 42.6 million with a high standard of living. The economy grew during the third quarter at a 2.7 percent annual rate. The annual inflation rate was 3 percent at year's end. Wages generally kept pace with inflation.

The Government generally respected the human rights of its citizens; although there were a few problems in some areas, the law and judiciary provide effective means of addressing individual instances of abuse. There were credible allegations that a few members of the security forces abused detainees and mistreated foreigners and illegal immigrants. Lengthy pretrial detention and delays in trials were problems. Violence against women was a problem. Trafficking in women and teenage girls for the purpose of prostitution was a problem. Societal discrimination against Roma and immigrants remained a problem, as did occasional violence against immigrants.

On March 11, a coordinated series of 10 explosions occurred during rush hour aboard 4 commuter trains in Madrid. The attacks by the Moroccan Islamic Combatant Group, an Islamic extremist group affiliated with al-Qaida, killed 191 persons and injured more than 1,800.

The terrorist group Basque Fatherland and Liberty (ETA) continued its campaign of bombings. ETA sympathizers also continued a campaign of street violence and vandalism in the Basque region intended to intimidate politicians, academics, and journalists.

RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

On March 11, a coordinated series of 10 explosions occurred during rush hour aboard 4 commuter trains in Madrid. The attacks by the Moroccan Islamic Combatant Group killed 191 persons and injured more than 1,800. On April 2, Islamic extremists attempted to bomb the high speed AVE train south of Madrid. On April 3, six of the suspected leaders of the Madrid attacks killed a policeman and then committed suicide during a police raid of an apartment in Leganes.

ETA, whose declared goal is to establish an independent Basque state, continued its terrorist campaign of bombings. ETA publicly claimed responsibility for its attacks.

The Government continued to pursue legal actions against ETA members. By year's end, police had arrested 74 ETA members and collaborators and had dismantled 3 ETA operational cells. Authorities in France, Belgium, and the Netherlands have arrested, and in some cases extradited to Spain, ETA members. In October, French police, working with Spanish investigators, arrested ETA leaders Mikel Albizu and Soledad Iparraguirre.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, suspects charged with terrorism at times were tortured and abused during detention. According to Amnesty International (AI), government investigations of such alleged abuses often were lengthy and punishments were light.

In February, the U.N. Special Rapporteur on Torture, Theo van Boven, issued a report on his visit to the country in October 2003. The purpose of the visit was to study the various safeguards for the protection of detainees in the context of anti-terrorism measures. The Rapporteur noted "the degree of silence that surrounds the subject and the denial by the authorities without investigating the allegations of torture has made it particularly difficult to provide the necessary monitoring of protection and guarantees." He concluded that, "in the light of the internal consistency of the information received and the precision of factual details these allegations of torture cannot be considered to be fabrications." Although not a regular practice, "their occurrence is more than sporadic and incidental." He recommended that the Government draw up a comprehensive plan to prevent and suppress torture and that the incommunicado regime be abrogated. The Government rejected the van Boven report, describing it as lacking "objective well founded analysis."

An AI report stated that torture was not present in a systematic form in the country, but certain practices such as holding detainees incommunicado could facilitate mistreatment. AI urged an end to legal provisions that allow police to hold suspects of certain terror-related crimes for up to 5 days with access only to a public lawyer. AI stated that giving suspects access to a lawyer of their choice would make for better observations of treatment in police custody. AI was also concerned about continuing reports of mistreatment of detainees in immigration detention centers and urged the Government to broaden its definition of torture to include rape by authorities while in custody.

The Council of Europe's Committee for the Prevention of Torture made public a report in 2003 of its 2001 inspection that indicated that the Government had not complied with some of its recommendations to prevent mistreatment in jails. The committee reiterated its recommendations that the Government reduce from 5 days to 2 days the maximum period allowed for authorities to notify relatives or other persons of the fact and place of a subject's detention; that persons held in incommunicado detention be allowed a medical examination by a doctor of their own choice and receive written information regarding this proposed right; and that detainees be provided with more immediate access to a lawyer.

There were credible allegations that a few members of the security forces abused detainees and mistreated foreigners and illegal immigrants. In July, regional Catalanian police were accused of having killed Moroccan national Farid Bendaoud on May 27 and having abused another six persons in an operation against drug trafficking.

In 2002, AI reported that police had abused undocumented Moroccan minors, particularly in the Spanish North African enclaves of Ceuta and Melilla, and that some undocumented minors were returned to Morocco without sufficient concern for their welfare (see Section 2.d.). AI continued to express concern about the treatment in reception centers for undocumented minors.

ETA bombings and attempted bombings caused numerous injuries and property damage. During the December 3 to 6 holiday weekend, ETA carried out 12 bombings in 2 sets of coordinated attacks in Madrid, Leon, Valladolid, Avila, Ciudad Real, Santillana del Mar, Alicante, and Malaga. Several of ETA's attacks were directed at the tourist industry on the northern coast, including August bombings in Santander, Gijon, Santiago de Compostela, and smaller communities in Cantabria, Asturias, and Galicia. In addition to attacks aimed at tourist zones, in September, ETA placed explosives near electrical lines in Irun in the Basque region. In February, two ETA members were arrested near Cuenca, while driving towards Madrid with 536 kilograms of explosives allegedly intended for bombing a train station.

Prison conditions generally met international standards; however, in April, prisoners in Quatre Camins prison in Catalonia alleged abuse by prison guards while being transferred after a prison riot. The Department of Justice of Catalonia conducted an investigation of the incident and determined that no abuses had been committed.

Women were held separately from men; juveniles were held separately from adults; and pretrial detainees were held separately from convicted criminals.

The Government permits visits by independent human rights observers. In June, an AI delegation led by Secretary General Irene Khan visited the country. The group met with the new Government and presented a human rights action plan for the country. The delegation met the Prime Minister and the Ministers of Justice, Interior, and Foreign Affairs, as well as with the President of the Supreme Court.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Police forces include the National Police, Municipal Police, the Civil Guard, and police forces under the authority of the autonomous communities of Catalonia and the Basque Country. All police forces operated effectively with no reports of systemic corruption. The Constitution provides for an ombudsman, called the People's Defender (Defensor del Pueblo), who investigated claims of police abuse (see Section 4).

Arrest warrants were based on sufficient evidence and issued by a duly authorized official. Persons were apprehended openly and brought before an independent judiciary. Arrested persons were allowed prompt access to a lawyer of their choosing or, if they could not afford one, to an attorney appointed by the court. Defendants were released on bail unless the court believed that they might flee or be a threat to public safety. A suspect may not be held for more than 72 hours without a hearing, except in cases involving terrorism, in which case the law permits holding a suspect an additional 2 days--or a total of 5 days--without a hearing. A judge may authorize semi-incommunicado detention for terrorism suspects, in which suspects have access only to a court-appointed lawyer.

At times pretrial detention was lengthy. Under the law, suspects cannot be detained for more than 2 years before being brought to trial unless a judge, who may extend pretrial detention to 4 years, authorizes a further delay. In practice, pretrial detention usually was less than 1 year.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The Constitutional Court has the authority to return a case to the court in which it was adjudicated if it can be determined that constitutional rights were violated during the course of the proceedings. The National High Court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights (ECHR) is the final arbiter in cases concerning human rights.

The Constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. There was a nine-person jury system. Defendants enjoy the presumption of innocence and have the right to be represented by an attorney (at state expense for the indigent), to confront witnesses and to present witnesses on their behalf, and to have access to government-held evidence. Following a conviction, defendants may appeal to the next higher court.

The law calls for an expeditious judicial hearing following arrest; however, the judicial process often was lengthy.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom. However, in 2003, the Government closed the Basque newspaper, Euskalunon Egunkaria, because of its links to the ETA. The courts approved additional 4-month extensions of the closing of the newspaper in February, June, and November. The paper did not re open by year's end. Ignacio Uria, one of the managers of Euskalunon Egunkaria, who had been imprisoned since February 2003, was set free in August.

In May, the European Commission presented a report that denounced the restraints placed on journalists in the Basque region, particularly in covering the de-legitimizing of the Batasuna political party (see Section 3). The Government imposed restrictions against publishing documents that the Government interpreted as glorifying or supporting terrorism. The report also denounced restraints on domestic journalists covering the ecological disaster, when the Prestige oil tanker broke up off the northwestern coast of the country in November 2002, causing damage to both the marine environment and the fishing sector.

The Government did not restrict access to the Internet.

ETA and its sympathizers continued their violent campaign of intimidation against political, press, and academic professionals and organizations in the Basque country. In March 2003, the International Press Institute issued a report that indicated that journalists worked under the threat of terrorism.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution declares the country is a secular state, and various laws provide that no religion should have the character of a state religion; however, Catholicism was the dominant religion and enjoyed the closest official relationship with the Government. Among the various benefits enjoyed by the Catholic Church was financing through the tax system. Judaism, Islam, and many Protestant denominations had official status through bilateral agreements, but they enjoyed fewer privileges. In April 2003, the Government expanded the concept of "well known deeply rooted beliefs" (notorio arraigo) to the Church of Jesus Christ of Latter-day Saints (Mormons), which allows them to sign a bilateral agreement; however, the Mormons had not begun negotiations with the Government by year's end.

The law establishes a legal regime and certain privileges for religious organizations to benefit from this regime. Religions not recognized officially, such as the Church of Scientology, were treated as cultural associations. Leaders of the Protestant, Muslim, and Jewish communities reported that they continued to press the Government for privileges comparable to those enjoyed by the Catholic Church. Protestant and Muslim leaders wanted their communities to receive government support through an income tax allocation or other designation.

In March, two Jewish synagogues in Barcelona belonging to the Jewish Community of Barcelona and the Atid Jewish Community were vandalized repeating vandalism of previous years. The vandalism included anti-Semitic graffiti on the walls of the synagogue. The groups also reported that local extremist groups monitored them. The regional government responded by increasing security at the center.

On May 27, Catalan police arrested three leaders of a neo Nazi group called the Circle of Indo-European Research on charges of being members in an illicit association that opposed the fundamental rights and public freedom of citizens within the international community. The police, as well as Jewish community leaders, believed the leaders were involved in the March synagogue attacks. One was charged with illicit association; the police released one of the leaders without bail, another was released with bail, and the third was released with an order to appear in court in July. The case was still pending at year's end.

Officials from B'nai B'rith have suggested there was an increasing anti-Semitic tone in newspaper commentary and political cartoons as well as public displays of anti-Semitism at major sporting events. They cited the example of a soccer game. Some participants at the game wore swastikas and other Nazi emblems; they also displayed a banner with an anti-Semitic epithet.

On October 15, partly in response to attacks against Jewish persons and institutions, the Spanish Council of Ministers approved a proposal from the Ministry of Justice calling for a Foundation for Pluralism and Coexistence.

The law operationalizes Article 16 of the Constitution, which provides for religious freedom and the freedom from worship by individuals and groups. The Government generally enforced this law in practice. The Ministry of Justice has expressed concern about incidents of anti-Semitism in the country, stating that these incidents appear to be isolated events attributed mostly to small groups of youth or immigrants.

In December, the Government designated January 27 as Holocaust Remembrance Day.

Many citizens blamed recent Moroccan immigrants for increased crime rates in the country, which sometimes resulted in anti Muslim sentiment. There has been no documented increase in violence towards Muslims following the March 11 train bombings in Madrid; however, Muslim leaders were concerned that media reports appeared to link the Islamic religion to the terrorist attacks. They also expressed concern over housing and employment discrimination. Unlike 2003, there were no reports of protests against the construction of mosques. The Islamic Federation reported that the building permit process for new mosque construction could be difficult and lengthy, especially for building sites in central urban locations. Some residents in the medieval quarter of Barcelona protested the Pakistani community efforts to build a prayer center.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and law provide for these rights, and the Government generally respected them in practice.

The Constitution prohibits forced exile, and the Government did not employ it.

The Constitution provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees.

In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees, in assisting refugees and asylum-seekers.

Under the law, asylum requests are adjudicated in a two-stage process, with the Office of Asylum and Refugees making an initial decision on the admissibility of the application for processing. The Interministerial Committee for Asylum and Refuge (CIAR) examines the applications accepted for processing and included representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a nonvoting member of the UNHCR. The Minister of the Interior must approve the decision of the CIAR in each case. According to provisional statistics, at year's end, there were 5,531 applications for asylum, of which the Government granted 1,088 persons asylum status and admitted 163 others for humanitarian or other reasons. The largest number of applicants came from Nigeria, Algeria, and Colombia.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol and provided it to approximately 160 persons during the year. Those granted admission for humanitarian reasons must renew their status annually. The law allows the applicant a 15 day grace period in which to leave the country if refugee status or asylum is denied. Within that time frame, the applicant may appeal the decision, and the court of appeal has the authority to prevent the initiation of expulsion procedures, which normally begins after 15 days.

In 2003, the Ministry of Interior and the International Organization for Migration (IOM) signed an agreement to promote voluntary return of illegal immigrants, as well as of asylum and refugee seekers who so desire, to their countries of origin. In March, the agreement was extended through the end of the year. During the September to December 2003 pilot program, IOM helped 199 persons return to their country of origin.

AI called for more in-depth, case-by-case reviews of the welfare of minors being returned to Morocco before their expulsion. The law prohibits the repatriation of minors without social services' knowing where the child will be returned, and authorities generally respected that provision. The Government sought more cooperation from Moroccan authorities in obtaining reinsertion information and passport and travel documents to facilitate the transfer of illegal minors. From December 2003 until April, more than 40 minors were returned and repatriated. Although document delays slowed progress between April and September, 11 minors were returned.

Section 3

Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country has a multiparty democracy with regularly scheduled elections in which all citizens age 18 and over have the right to vote by secret ballot. At all levels of government, elections are held at least every 4 years. During the year, Jose Luis Rodriguez Zapatero of the Socialist Party was elected Prime Minister, with the title President of the Government.

In March 2003, the Supreme Court unanimously decided to declare Batasuna to be the political arm of ETA, a terrorist organization and, therefore, illegal. The delegalization means that Batasuna, Euskal Herriarrok, and Herri Batasuna were erased from the registry of political parties; that they will not be able to participate in any elections; that none of their activities (meetings, publications, electoral process) were permitted; and that their physical assets will be sold and the proceeds used for social or humanitarian activities. Despite the restrictions, Batasuna representatives were allowed to retain their seats in the Basque Parliament, although under a new organizational name. At year's end, the Government was investigating a Batasuna rally during which leaders of the organization reportedly expressed support for ETA members held in Spanish prisons.

In September 2003, the Basque government initiated a claim against the Government at the ECHR alleging that the Law of Political Parties, used as a basis to delegalize Batasuna, violated fundamental rights. On February 5, the ECHR rejected the claim of the Basque government, saying that the case was "inadmissible" for technical reasons.

The Government generally provides access to government information.

Of 16 Cabinet ministers, 8 were women. There were 127 women in the 350-seat lower house, 65 women in the 259-seat Senate. After the June elections, 18 of the 54 Spanish members of the European Parliament were women.

The Government did not keep statistics on the ethnic composition of the national parliament. The Catalan Parliament included a member of Moroccan origin.

Section 4

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their

views.

The Constitution provides for an ombudsman, called the People's Defender, whose duties included investigating complaints of human rights abuses by the authorities. The Ombudsman operated independently from any party or government ministry, was elected every 5 years by a three-fifths majority of the Congress of Deputies, and was immune from prosecution. He had complete access to government institutions and to all documents other than those classified for national security reasons; he could refer cases to the courts on his own authority. The Ombudsman had a staff of approximately 150 persons and received 23,150 complaints as of September. The majority of the complaints pertained to health and social services, integration and shelter services for immigrants, moving of imprisoned persons from one penitentiary to another, and lack of adequate facilities in such penitentiaries. Government agencies were responsive to the Ombudsman's recommendations. Several of the autonomous communities had their own ombudsman, and there were ombudsmen dedicated to the rights of specific groups, such as women, children, and persons with disabilities.

Section 5

Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for equal rights for all citizens, and discrimination on the basis of sex, race, ethnicity, nationality, disability, or ideology is illegal; however, social discrimination against Roma and immigrants continued to be problems.

Women

Violence against women, particularly domestic violence, remained a problem. According to the Government, as of year's end, 72 women had been killed as a result of domestic violence. Through November, women had filed 52,899 complaints against their husbands or male partners. The Government continued to take steps to reduce violence against women. On October 7, the Congress unanimously approved the Integral Law Against Gender Violence, a domestic violence law that provides for heavier sentences when violence is directed against women or "especially vulnerable" victims; however, the law will not be enacted until 2005.

The law prohibits rape, including spousal rape, and the Government effectively enforced it. As of November, 1,375 reports of rape had been received. There were 54 Civil Guard units that assisted battered women and 43 similar units in the National Police. There were 53 offices that provided legal assistance to victims of domestic violence and approximately 225 shelters for battered women. A 24-hour free national hotline that advised women or where to find local assistance or shelter operated during the year.

The Government of Catalonia and the Chief Public Prosecutor signed an agreement in 2003 providing that a doctor should examine female immigrants in Catalonia in danger of suffering from female genital mutilation (FGM) "ablation" when traveling to their countries of origin and again upon return. If they were victims of FGM, the parents could lose custody of the child. In practice, doctors have not examined immigrants, because there was no suspicion that any such cases took place. No children were removed from their parent's custody. There have not been any complaints from nongovernmental organizations (NGOs).

Prostitution was a problem. Prostitution is not illegal, but forcing others into involuntary prostitution and organizing prostitution rings are illegal. Trafficking in women for the purpose of prostitution was a problem (see Section 5, Trafficking). The Government contracted with an NGO, Proyecto Esperanza (Project Hope), to provide protection, housing, and counseling support to women who were the victims of trafficking or other abuse.

The law prohibits sexual harassment in the workplace; however, the Government did not effectively enforce it. As of November, the Women's Institute reported 372 complaints of sexual harassment. Discrimination in the workplace and in hiring practices persisted.

Discriminatory wage differentials continued to exist, and women held fewer senior management positions than men. In 2003 the female unemployment rate was almost twice the rate for males; women outnumbered men in the legal, journalism, and health care professions, but they still played minor roles in many other fields.

Children

The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. Education was compulsory until age 16 and free until age 18. However, many Romani children did not attend school on a regular basis, and some of those who did complained of harassment in schools.

The Ministries of Health and Social Affairs were responsible for the welfare of children and have created numerous programs to aid needy children.

Access to the national health care system was equal for girls and boys.

There were isolated reports of violence against children, although there appeared to be no societal pattern of abuse of children.

Trafficking in teenage girls for prostitution was a problem (see Section 5, Trafficking).

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets.

Numerous NGOs promoted children's rights and welfare, often through government-funded projects. Several of the Autonomous Communities had an office of the Defender of Children, an independent, nonpartisan agency charged with defending children's rights.

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in women and teenage girls remained a problem.

The law prohibits trafficking in persons for labor and sexual exploitation, with penalties ranging from 5 to 12 years' imprisonment. The exploitation of prostitutes through coercion or fraud and the exploitation of workers in general also are illegal, although prostitution is not illegal. According to a September 18 press report, police dismantled approximately 100 illegal immigration, document falsification, and prostitution networks during the year. Police cooperation with source countries led to 303 trafficking-related arrests in source countries in 2003. The Government extradited seven individuals for trafficking related offenses in 2003.

The Government specifically targeted trafficking as part of its broader plan to control immigration; for example, the police actively pursued and prosecuted organized crime groups that used false identity documentation for immigrant smuggling of all kinds, including trafficking. Within the Interior Ministry, the National Police Corps had primary responsibility for all matters pertaining to immigration, including trafficking. Regional authorities also participated in contesting organized criminal activity, including trafficking. In addition, the Interior Ministry chaired an interagency committee on all immigration issues, including trafficking. The Ministries of Foreign Affairs, Health, Education, Treasury, and Labor also were members of the committee. The main police school gave courses on trafficking issues, such as the recognition of fake documents and the best ways to identify traffickers.

On September 29, Catalan police arrested four alleged members of an international prostitution ring. The gang reportedly trafficked women from Eastern Europe, particularly Romania, bringing them to Catalonia, where they were forced into prostitution. The alleged traffickers, one Albanian and three Romanians, deceived women into believing that they would work as waitresses in Spain. On arrival, allegedly, the men confiscated their victims' identification documents, rendering them vulnerable.

The country was both a destination and transit country for trafficked persons for the purpose of sexual exploitation and, to a lesser degree, forced labor (see Section 6.d.). Trafficked women were usually 18 to 30 years of age, but some girls were as young as age 16. Women were trafficked primarily from Latin America (Colombia and Ecuador), East European countries (Romania and Bulgaria), sub-Saharan Africa (Nigeria, Guinea, Sierra Leone), and, to a lesser extent, North Africa. Asians, including Chinese, were trafficked to a much lesser degree and more often for labor rather than for prostitution.

Victims were trafficked into the country for both sexual exploitation (most frequently involving prostitution and work in nude dancing and alternative clubs) and labor exploitation (primarily agriculture, construction, and domestic employment). Methods used by traffickers to maintain control of their victims included physical abuse, forced use of drugs, withholding of travel documents, and threats to the victim's family. As a group, women from Eastern Europe reportedly were subject to more severe violence and threats by traffickers. Traffickers lured some victims from other regions with false promises of employment in service industries and agriculture but then forced them into prostitution upon their arrival in the country.

The media reported that criminal networks often lured their victims by using travel agencies and newspaper advertisements in their home countries that promised guaranteed employment in Spain. Typically in the case of Romanian organized networks, women were forced into prostitution where 90 percent of their earnings were marked for the criminal network; men were often employed in low-paying construction jobs. Clandestine clothing production and sales as well as work in restaurants were typical types of employment for illegal Asian immigrants who came to the country with false documents through trafficking networks.

The law permits trafficking victims to remain in the country if they agree to testify against the perpetrators. After legal proceedings conclude, the individual is given the option of remaining in the country or returning to the country of origin. Victims were encouraged to help police investigate trafficking cases and to testify against traffickers. In 2003, police reported that 250 victims agreed to testify and were granted short-term residency status. The Government worked with and funded NGOs that provided assistance to trafficking victims. In addition, regional and local governments provided assistance either directly or through NGOs. The Government's violence education programs for female victims and an NGO partner on trafficking reported that 89 percent of the victims they assisted pressed criminal charges.

Project Hope, a program backed by the Catholic NGO Las Adoratrices and government agencies, specifically was designed to assist trafficking victims. The project operated shelters in Madrid, provided assistance with medical and legal services, and acted as liaison with law enforcement for victims who chose to testify against traffickers. Project Hope received many of its referrals directly from police.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice; however, levels of assistance and accessibility differed from region to region. According to documentation from the Spanish Center for Disability Documentation, regional regulations on access for persons with disabilities were most lacking in Murcia, Ceuta, and Melilla.

On January 30, the Council of Ministers approved increased incentives and subsidies for employers who hire disabled women. On June 21, the Ministry of Labor announced that the Government would reserve 5 percent of all public employment for persons with disabilities.

National/Racial/Ethnic Minorities

Public opinion surveys indicated the continued presence of racism and xenophobia, which resulted in discrimination and, at times, violence against minorities. In its annual report, the NGO "SOS Racism" denounced the increase in xenophobia.

On September 16, there were racially motivated attacks against Chinese-owned businesses in Elche.

At times, the growth of the country's immigrant population led to social friction, which in isolated cases had a religious component. Muslim community representatives stated that there were significant anti-Moroccan immigrant feelings. In September, the Reus Citizens Assembly in Catalonia denounced an attack by a neo-Nazi skinhead group at the Reus Mosque. In November, residents of Navas del Marques, a village in the province of Avila, began a campaign against the opening of a mosque. Police seized papers that were distributed asking for signatures to prevent the opening because the papers were deemed to be racist and xenophobic. In May 2003, a group of skinheads attacked some members of the Moroccan community in the Catalan town of Terrassa, but this attack was apparently more racially motivated than religious. Authorities have not identified the perpetrators.

Roma continued to face marginalization and discrimination in access to employment, housing, and education. The Romani community, whose size was estimated by NGOs at several hundred thousand, suffered from substantially higher rates of poverty and illiteracy than the population as a whole. Roma also had higher rates of unemployment and underemployment. According to the national NGO, Secretariado General Gitano, approximately 46 percent of Romani adults were unemployed. Roma occupied the majority of the country's substandard housing units. Several NGOs dedicated to improving the condition of Roma received federal, regional, and local government funding.

Citizens have filed more than 445 complaints with the Catalan regional government denouncing the lack of compliance with the law on linguistic policy, which requires that Catalan be the official language but provides Spanish-speaking citizens the right to be addressed in their native language. The Catalan Government has penalized the Post Office for repeatedly failing to comply with Catalan law.

Section 6 Worker Rights

a. The Right of Association

The Constitution and laws ensure that all workers, except those in the military services, judges, magistrates, and prosecutors, are entitled to form or join unions of their own choosing, and workers legally in the country exercised this right in practice. Approximately 15 percent of the workforce was unionized. The law prohibits discrimination by employers against trade union members and organizers; however, unions contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, including for all workers in the public sector except military personnel, and unions exercised this right in practice. Public sector collective bargaining includes salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors; in the latter they covered 85 to 90 percent of workers, although only approximately 15 to 20 percent of workers were union members. The Constitution provides for the right to strike and workers exercised this right. There are no special laws or exemptions from regular labor laws in the three special economic zones in the Canary Islands, Ceuta, and Melilla.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5, Trafficking).

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor was generally not a problem. The statutory minimum age for the employment of children is age 16. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Ministry of Labor and Social Affairs primarily was responsible for enforcement, and the minimum age was enforced effectively in major industries and in the service sector. It was more difficult to enforce the law on small farms and in family-owned businesses, where some child labor persisted. Legislation prohibiting child labor was enforced effectively in the special economic zones.

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets. These children cannot legally work; as a result, many survived through petty crime.

e. Acceptable Conditions of Work

The minimum wage was \$657 (490.80 euros) per month, which generally provided a decent standard of living for a worker and family; however, this was not the case in all areas of the country. The Ministry of Labor effectively enforced the minimum wage.

The law set a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Overtime is restricted by law to 80 hours per year, unless collective bargaining established something different. It is illegal for minors to work overtime.

The National Institute of Safety and Health in the Ministry of Labor and Social Security had technical responsibility for developing labor standards, but the Inspectorate of Labor had responsibility for enforcing the legislation through judicial action when infractions were found. Unions have criticized the Government for devoting insufficient resources to inspection and enforcement. Workers enjoy legal protections that allow them to remove themselves from dangerous work situations without jeopardy to their continued employment; however, employees with short-term labor contracts may not understand they have such protections.